IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS NO.51 OF 2007
IN
TESTAMENTARY SUIT NO.83 OF 1998
IN
TESTAMENTARY PETITION NO.509 OF 1998

D.S. Choudhary ....Applicant
Plaintiff
V/s.
L.D. Kathrecha ....Caveatrix
Defendant
And
Neelkanth Niranjan Premises Co-op. Society Ltd. ....Respondents
And
M/s.Goldmine Builders Pvt.Ltd. ....Applicant
Intervenor

Mr.Vipin Kamdi with Mr.Sagar Pawar i/b S.K. Legal Asociates for the Applicant/Intervenor.

Mr.H.C. Mehta i/b Bagla Dandekard & Co. for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH JULY, 2007.

P.C. :

1. The Chamber Summons is thoroughly misconceived The Applicant claims to have derived his title from the testator pursuant to an agreement and/or by way of adverse possession. If the Applicant is entitled to any such right, it is for the Applicant to file independent proceedings to agitate the same. The Applicant has no caveatable interest as an heir. Further it is well established that the questions of

title are not determined in a probate proceedings. The Chamber Summons if dismissed with costs of Rs.5000/- payable within four weeks from today. The similar application was also disposed of by an order dated 12.10.2006 by D.K. Deshmukh, J.